G. R. S. 58]

Previous references.

85. 4, 11-14

1901-02.

191 .

(Separate Revenue)

File No. 3 of 01-02.

Serial Nos. 5 and 9 to 12

Later references.

6 - 8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5 and 9 to 10

Major **Part B for** January 02.

SUBJECT.

Rules and Regulations under Excise Regulation V of 1901.

5.	From the Exec Commrs No. 2455 108		30. 9. 01 4. 10. 01.

Submits for approval & publication draft notification, making appointments under clauses, (a), (b), (d) & (e) of Section 4 of the Excise Regulation.

GPE—3,500—21-7-14

No: 11202-11

Approves the draft Notification submitted with the letter No: 2155/108 of 28th Sept: 02 & forwards the same to the compiler for publication.

10- To the Compiler, 6.1.02.
No. 11212.

Marks some appointments under Section 4 of the Exc: Duty Act 01.

Noted

Minister

An Excise Officer
defined in clause (7)
of S. 3 of Regn V of 1901 is the
one appointed & invested
with powers under certain
provisions of that particular
Regulation ; and it does
not moreover, say anywhere
that appointments
made under the repeale
Act of 1881 are to be ~~be~~ deemed
~~to have been~~ treated as
appointments under the
new Regn for the purpose
of the above definition. At
the same time, as observed
by the 2? Councillor the repealed
Act did not provide distinctly
for making appointments of
Excise Comr, Dy Excise Comr, Excise
Asst Comr

I therefore agree in
thinking that it is
expedient in the first
instance to formally appoint
the said Officers under S. 4
of the Excise Regn before proceeding
to invest them with powers

The Deputy Excise Comr
has no more than the powers
and duties (or some of them) of

the Dep^y Comm^r of a District under the Excise Regs. ~~Act~~ he may have such powers and duties in respect of more than one District. This is quite permissible under clause (b) of section 4, which is not to be understood as referring to any one single District only. So, if so, clause (a) re: the powers of the Excise Comm^r would have to be construed in the same manner, which during is inadmissible I believe this meets the difficulty referred to by the 2^d C^r, Under I have mistaken the nature of the difficulty felt

M. Chandrasekhar
13/11

P.S. But Please see the Excise Comm^r's letter no 2485/1001 dt 30-9-01 (which was submitted by the Excise Dept^t in connection with same subject in the same file). The enclosure to that letter contains the needful details of appointments.

13-11-01.

Since a reply is received from the Excise Dept^t - this may be treated as closed. Put up a note for orders.

14/11/01

The Indian Act — The previous Excise Regulation made no mention of the Excise Comm^rs The Appointment was intimated by a Note in Apl 1889. In May there was an order of Govt^r which defined his position (Copy appended) This must be taken to have ~~been~~ the force of a ~~done~~ Rule issued under S 55 cl 8 of the old Act — to provide generally for Carrying out the provisions of this Act The 2nd^d proviso (any act done &c) of S. 2 of

the present Regulations, save this appointment from being affected by the repeal of the 3rd Act.

Similar reasons with the appointment of the Dy Excise Commr=

These two appointments not actually existing can not be vacated by any provision of the New Regulations so these appointments is to, I submit necessary; and in fact, to a new hotr making the appointments as in they are new ones, under in my humble opinion, be entered in principle.

In the question of vacating the present [illegible]

that the matter requires longer study and comparison than at present I am able to give to it A great deal of weight is thrown on S 4(g) about delegating powers to different officers answers It would have been better if this clause had been in a more prominent part of the Code Does it not its subordinate position give rise to the construction that this should be restricted to the same class as the other subordinate matters of the Section?

I have carefully given notice to the question of the delegation proposed in all public

Too much power generally speaking seems to be given to subordinate Police & Excise Officers. The matter has been pending long and so I cannot keep it longer with

I am ready to agree -

I am sorry I must take exception to such matters as are mooted here

Mr Ex

Kindly
submitted to the
Hon'ble Minister —

HLV
3/1/69 —

Secretary
may kindly put
up for reference)

Such help that is
extended by the Secretary
and would explain
why study the subject is
not always a very
acceptable study

HLV
2/1

Thanks for Mr Chandrasekhara Iyer's Note
I enjoyed Iyer's note

I have had this matter before me
for some time past & I have
more than once studied the question
and considered the propriety
of the Notification
Publication of which
has been recommended by
the Cyclist Corps - & as there is
the need letter by one Mr Murray
Vol. of the 11th Oct last -
and I find that I am
supported in it by the Cyclist
Corps who had already read the law in
the same way as I afterwards did
and who consequently
had [redacted] drawn
up a Proposal regarding certain
formal Appointments
which Govt had to make before
the investment of Powers - May

9

note was written on the
-rance of that Proposal.
The matter is now ready
for settlement - We appoint
certain officers formally
under a new legislation
and we invest them
with certain powers -
This is in accordance
with what has been done
in Madras from
which we have
borrowed our legisla
-tion - I agree to both
the draft Notifications
which may be issued
as quickly as possible
after approval
by the Secretary who is
Please do so
- But the file should
for favour of being
dealt with at his
earliest convenience -
The matter seems
urgent - as the new
law under Regulations
by the Notifications
under advertisement is
likely to lead to
somewhat serious
inconveniences - This does
not appear to me to be a
Council matter - A

4/12/07

Typed copy of the above note is put up. CH

10

SUBJECT:- Appointments of Excise Officers under the new Excise Regulation.

----:o:----

Thanks for Mr. Chandrasekhara Iyer's and Mr. Nanjundaiyya's notes.

I have had this matter before me for some time past and I have more than once studied the question and considered the propriety of the Notifications the publication of which has been recommended by the Excise Commissioner. I adhere to the view taken by me in my note of the 11th. October last and I find that I am supported in it by the Excise Commissioner who had already read the new law in the same way as I afterwards did, and who consequently had sent up a proposal regarding certain formal appointments which Government had to make before the investment of powers. My note was written in ignorance of that proposal. The matter is now very simple. We appoint certain officers formally under a new Regulation and we invest them with certain powers. This is in accordance with what was done in Madras from which we have borrowed our legislation. I agree to both the draft Notifications which may be issued as quickly

quickly as possible after approval by the Dewan to whom please submit the file at once for favor of being dealt with at his earliest convenience. The matter seems <u>urgent</u> as the new law, unless supplemented by the Notifications under advertence, is likely to lead to somewhat serious inconveniences. This does not appear to me to be a Council matter.

"Intld". C.S.

14.12.1901

Submitted to the Dewan

14/12/01

2728
D 14.12.01.

The notifications may be published

Intld
31.XII.01

Published accordingly

2/1/02

Legal Branch

3/1/02

Notifications issued (pages 39 & 40) and resubmitted to 2nd Councillor for information

Read 7.1.02

SECTION 8 4610

FILE No. 33 From 6-X-01. 189

SERIAL No. 5

38 Ex. 15

From

P.N.Purnaiya Esquire,B.A.

Excise Commissioner

in Mysore

To

H.V.Nunjundaya Esquire,M.A.M.L.
Secy.tothe Govt. of Mysore
Rev.& Genel. Departments.

Dated

Despatched 30th September 1901.

4/10

Received

General No. 2455

No. 108

Enclosure No. 1

Enclosure read to perusal 6/10/02

SUBJECT

Submits for approval and publication, a draft Notification making appointments under clauses (a),(b),(d) and (e) of Section 4 of the Excise Regulation.

It is not clear as to how the appointments of Dy. Commrs, Deputy Excise Commrs and Asstt Commrs are included in clause para (1) under clause (e) in the draft-notification.

8/10/01

8/10/01.

Recd 8.10.1901.

Enclosure re notification read to perusal in Govt. with the Rules copy of the order thereon

8/10/01

Send for back & filed with Govt Rules,

Encl

5.10.01

Excise Commissioner's Office

No 2455-5 Exc 1 Bangalore, dated 30th September 4/10 1901

From

P.N.Purnaiya Esquire B.A.

Excise Commissioner

in Mysore

To

H.V.Nunjundaya Esquire, M.A.M.L.

Secretary to the Government of Mysore

Revenue & General Departments.

Sir,

I have the honor to submit herewith for approval and publication, a draft Notification making appointments under clauses (a),(b),(d) and (e) of Section 4 of the Excise Regulation.

I have the honor to be,

Sir,

Your most obedient servant

P. Purnaiya

Excise Commissioner

in Mysore.

SECTION 3

FILE No. 237/07-02

SERIAL No. 9

Read Letter no 2455/108 dated 30th September 1901 from the Excise Commr in mysore submitting for approval a draft notification making appointments under clauses (a), (b) (d), and (e) of section 4 of the Excise Regulation IV of 1901.

No 11202-11/473-1901 dy 6/1/02

Order thereon:-

The draft notification submitted with the above is approved and forwarded to the Compiler, mysore gazette for publication

in three successive issues of the gazette.

5/1/02

For Secretary

2nd Councillor and Dewan's order

To

The Excise Commr in Mysore

" Comptroller, m. y.

Deputy Commrs of districts

(Here enter notification no 11212 dated 4-73-1901

6/1/02

sent to Press for publication Monday - in original

Under section 4 of the 4. Regn V of 1901 and in exercise of all other powers enabling them in this behalf. the Govt. of Mysore are pleased to make the following appointments viz —

+ + +

2o The Councillor

The Excise Commissioner – to exercise all the powers of a Deputy Commissioner in respect of the Excise Revenue, and to have the control of the administration of the Excise Department and of the collection of the Excise Revenue } Throughout the Mysore State

Under clause (b)

I The following officers of the Excise department :–

(1) Deputy Excise Commissioner – to exercise all the powers of a Deputy Commissioner and to perform all the duties of a Deputy Commissioner in respect of Excise Revenue concurrently with the District Deputy Commissioner and subject to the control of the Excise Commissioner

(i) in respect of the issue of permits under section 11 of the Excise Regulation;

(ii) in respect of the supervision and management of the Government Central } Throughout the Mysore State

distillery, all licensed depôts or warehouses and shops, and

(iii) in respect of all other matters relating to Excise Revenue.

(2) Assistant Commissioners in charge of Excise Divisions to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the District Deputy Commissioner and subject to the control of the District Deputy Commissioner in the first instance and ultimately of the Excise Commissioner

(i) in respect of the issue of permits under section 11 of the Regulation, } Throughout the Mysore State

(ii) in respect of the issue of licenses under section 13 of the Regulation } Within their respective Divisions

(iii) in respect of the supervision and management of

Note need not be printed

of licensed Excise Depôts or Warehouses and supervision of licensed shops of all descriptions and

(iv) under Chapter VIII of the Regulation

} Within their respective Divisions

(3) Inspectors — to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner, and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner —

(i) in respect of the issue of permits under section 11 of the Regulations;

} Throughout the Mysore State

(ii) in respect of the issue of tree tapping licenses under section 19

(iii) under section 13 of the Regulation; and
under Chapter VIII of the Regulation

respective ranges

4

(4) Inspectors incharge of Government Central Distillery and Provincial Ganja depôt or Warehouse — to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Excise Commissioner in the first instance and ultimately of the Excise Commissioner

(i) in respect of the supervision and management of the Distillery and Provincial Ganja depôt; and

Government Central Distillery buildings and the water supply arrangements connected therewith.

(11) in respect of the issue of permits under section 11 of the Regulation — Throughout the whole State

(5) a Inspectors and Assistant Inspectors in charge of Government Storehouses for the storage of intoxicating drugs prepared from the hemp plant — to exercise all the powers and to perform all the duties of a Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioners in respect of the issue of permits under section 11 of the Act for the transport of the hemp crop to the place of manufacture of the manufactured produce, thence to the Government Storehouses and of intoxicating drugs removed from the Storehouses to shops and depôts.

(6) a Assistant Inspectors — to exercise all the powers and to perform all the duties of a District Deputy Commissioner

Within their respective charges.

subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner

(i) in respect of the issue of permits under section 11 of the Regulation; and — Throughout the Mysore State

(ii) in respect of the issue of licenses under section 13 of the Regulation — Within their respective circles

II The following officers of the Land Revenue Administration:—

(1) Sub Division Officers and Assistant Commissioners — to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioner

(i) in respect of the issue of permits under section 11 of the Regulation; — Throughout the Mysore State

(ii) in respect of the issue of licenses under section 13 of the Regulation; and — Within their respective local jurisdictions as Officers of Land Revenue.

(iii) under chapter VIII of the Regulation

(2) Assistants, Deputy Assistants and Sub-Assistants to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioner—

(i) in respect of the issue of passports under section 11 of the Regulation; } throughout the adjacent States

(ii) in respect of the issue of licenses under section 13 of the Regulation; and } within their respective Salients and Sub-Salients

(iii) under Chapter VIII of the Regulation } within their respective Salients and Sub-Salients

III Licensed Mukaddams in charge of Arrack Bonded depôts or Warehouses and Toddy depôts or warehouses— to exercise all the powers and to perform all the duties of a District Deputy Commissioner in respect of the issue of permits under section 11 of the Regulation concurrently with the District Deputy Commissioner and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner } within the area of their respective depôts or warehouses

exercise all the powers and discharge all the duties conferred and imposed on Excise officers in the sections aforesaid.

By Order

for Secretary to the Government
of Mysore
General & Revenue departments.

Memorandum

Excise Commissioner
in Mysore.

To

The Compiler, Mysore gazette,
for publication in part III of the gazette
in the next three issues. With a request
that 50 spare copies of the notification may be sent
to this office.

IV Licensed wholesale vendors of intoxicating liquors and their assistants — to perform all the duties of a District Deputy Commissioner in respect of the issue of permits under section 11 of the Regulations concurrently with the Deputy Commissioner and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner. — Within the area of their respective wholesale shops.

V Licensed retail arrack vendors and retail toddy vendors — to perform all the duties of a District Deputy Commissioner in respect of the issue of licenses under section 11 of the Regulation up to one imperial quart of arrack and four imperial quarts of toddy respectively — Within the area of their respective shops.

Under clause (d)

All Excise officers in charge of Ranges — to perform the acts and duties mentioned in sections 40 to 53 inclusive of the Regulations — Within their respective ranges

Under clause (e)

(1) District Deputy Commissioners; Deputy Excise Commissioners; Assistant Commissioners in charge of Excise Divisions; Inspectors; Assistant Inspectors — to be Excise Officers under their respective designations for the purposes of sections 30, 31, 32, 34, 35, 38, 39, 53, 57, 62 and 72 of the Excise Regulation, and to exercise all the powers and discharge all the duties conferred and imposed on Excise officers in the sections aforesaid. — Within their respective charges

(2) Sub-Inspectors and persons of the Excise Department not — to be Excise officers under their respective denominations for the purposes of sections 30, 34, 35, 38, 39, 53, 57, 62 & 72 of the Regulations, and to — Within the Ranges or circles to which they are attached

READ —

Letter No. 2455—108, dated 30th September 1901, from the Excise Commissioner in Mysore, submitting for approval a draft notification making appointments under Clauses (*a*), (*b*), (*d*) and (*e*) of Section 4 of the Excise Regulation, V of 1901.

No. 11202-11—EX. F. 3-1901, DATED BANGALORE, 6TH JANUARY 1902.

ORDER THEREON.—The draft notification submitted with the above is approved and forwarded to the Compiler, *Mysore Gazette*, for publication in three successive issues of the *Gazette*.

H. V. NANJUNDAYYA,
Secy. to Govt., Gen. & Rev. Depts.

To—The Excise Commissioner in Mysore.
The Comptroller to the Government of Mysore.
The Deputy Commissioners of Districts.

NOTIFICATION.

No. 11212—*E. F.* 3-1901, *dated 6th January* 1902.

Under Section 4 of the Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of Mysore are pleased to make the following appointments, *viz* :—

Appointments.	Local area to which applicable.
UNDER CLAUSE (*a*).	
The Excise Commissioner.—to exercise all the powers of a Deputy Commissioner in respect of the Excise Revenue, and to have the control of the administration of the Excise Department and of the collection of the Excise Revenue.	Throughout the Mysore State.
UNDER CLAUSE (*b*).	
I. The following Officers of the Excise Department :—	
(1) *Deputy Excise Commissioner*—to exercise all the powers of a Deputy Commissioner and to perform all the duties of a Deputy Commissioner in respect of Excise Revenue concurrently with the District Deputy Commissioner and subject to the control of the Excise Commissioner.	
(*i*) in respect of the issue of permits under Section 11 of the Excise Regulation ;	Do do
(*ii*) in respect of the supervision and management of the Government Central Distillery, all licensed depôts or warehouses and shops ; and	
(*iii*) in respect of all other matters relating to Excise Revenue.	
(2) *Assistant Commissioners in charge of Excise Divisions*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the District Deputy Commissioner and subject to the control of the District Deputy Commissioner in the first instance and ultimately of the Excise Commissioner—	
(*i*) in respect of the issue of permits under Section 11 of the Regulation;	Do do
(*ii*) in respect of the issue of licenses under Section 13 of the Regulation ;	Within their respective divisions.
(*iii*) in respect of the supervision and management of licensed Excise depôts or warehouses and supervision of licensed shops of all descriptions ; and	
(*iv*) under Chapter VIII of the Regulation	

Appointments.	Local area to which applicable.
(3) *Inspectors*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner, and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner—	
(*i*) in respect of the issue of permits under Section 11 of the Regulation;	Throughout the Mysore State.
(*ii*) in respect of the issue of tree-tapping licenses under Section 12 and of licenses under Section 13 of the Regulation; and	Within their respective ranges.
(*iii*) under Chapter VIII of the Regulation.	
(4) *Inspectors in charge of Government Central Distillery and Provincial Ganja Depôt or Warehouse*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Excise Commissioner in the first instance and ultimately of the Excise Commissioner—	
(*i*) in respect of the supervision and management of the Distillery and Provincial Ganja Depôt; and	Government Central Distillery buildings and the water-supply arrangements connected therewith.
(*ii*) in respect of the issue of permits under Section 11 of the Regulation.	Throughout the Mysore State.
(5) *Inspectors and Assistant Inspectors in charge of Government storehouses for the storage of intoxicating drugs prepared from the hemp plant*—to exercise all the powers and to perform all the duties of a Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioner in respect of the issue of permits under Section 11 of the Act for the transport of the hemp crop to the place of manufacture of the manufactured produce, thence to the Government storehouses and of intoxicating drugs removed from the storehouses to shops and depôts.	Within their respective charges.
(6) *Assistant Inspectors*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner—	
(*i*) in respect of the issue of permits under Section 11 of the Regulation; and	Throughout the Mysore State.
(*ii*) in respect of the issue of licenses under Section 13 of the Regulation.	Within their respective circles.
II. The following Officers of the Land Revenue Administration :—	
(1) *Sub-Division Officers and Assistant Commissioners*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioner—	
(*i*) in respect of the issue of permits under Section 11 of the Regulation;	Throughout the Mysore State.
(*ii*) in respect of the issue of licenses under Section 13 of the Regulation; and	Within their respective local jurisdictions as Officers of Land Revenue.
(*iii*) under Chapter VIII of the Regulation.	
(2) *Amildars, Deputy Amildars and Taluk Sheristadars*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner concurrently with the Deputy Commissioner and subject to the control of the Deputy Commissioner—	

Appointments.	Local area to which applicable.
(*i*) in respect of the issue of permits under Section 11 of the Regulation;	Throughout the Mysore State.
(*ii*) in respect of the issue of licenses under Section 13 of the Regulation; and (*iii*) under Chapter VIII of the Regulation.	Within their respective taluks and sub-taluks.
III. *Licensed Mutsaddis in charge of Arrack Bonded Depôts or Warehouses and Farm Depôts or Warehouses*—to exercise all the powers and to perform all the duties of a District Deputy Commissioner in respect of the issue of permits under Section 11 of the Regulation concurrently with the District Deputy Commissioner and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner.	Within the area of their respective depôts or warehouses.
IV. *Licensed Wholesale Vendors of intoxicating drugs and their Mutsuddis*—to perform all the duties of a District Deputy Commissioner in respect of the issue of permits under Section 11 of the Regulation concurrently with the Deputy Commissioner and subject to the control of the Assistant Commissioner in the first instance and ultimately of the District Deputy Commissioner.	Within the area of their respective wholesale shops.
V. *Licensed Retail Arrack Vendors and Retail Toddy Vendors*—to perform all the duties of a District Deputy Commissioner in respect of the issue of licenses under Section 11 of the Regulation up to one imperial quart of arrack and four imperial quarts of toddy respectively.	Within the area of their respective shops.
UNDER CLAUSE (*d*).	
All Excise Officers incharge of Ranges—to perform the acts and duties mentioned in Sections 40 to 53 inclusive of the Regulation.	Within their respective ranges.
UNDER CLAUSE (*e*).	
(1) *District Deputy Commissioners; Deputy Excise Commissioner; Assistant Commissioners in charge of Excise Divisions, Inspectors and Assistant Inspectors*—to be Excise Officers under their respective designations for the purposes of Sections 30, 31, 32, 34, 35, 38, 39, 53, 59, 62 and 72 of the Excise Regulation, and to exercise all the powers and discharge all the duties conferred and imposed on Excise Officers in the sections aforesaid.	Within their respective charges.
(2) *Sub-Inspectors and peons of the Excise Department*—to be Excise Officers under their respective denominations for the purposes of Sections 30, 34, 35, 38, 39, 53, 59, 62 and 72 of the Regulation, and to exercise all the powers and discharge all the duties conferred and imposed on Excise Officers in the sections aforesaid.	Within the ranges or circles to which they are attached.

By Order,

H. V. NANJUNDAYYA,

Secy. to Govt., Gen. & Rev. Depts.

Exd.—G.S.

1901-1902

GOVERNMENT OF MYSORE

EXCISE

PROCEEDINGS

Dated 6th January 1902

No. $\frac{11202\text{-}11}{\text{Ex.F. } 3\text{-}1901}$

Approving and forwarding to the Compiler, *Mysore Gazette*, for publication, a notification making appointments under clauses (*a*), (*b*), (*d*) and (*e*) of Section 4 of the Excise Regulation, V of 1901.

SBP—21-1-02—300